

**Remarks:**

The Examiner is requiring that Applicants elect a single species for prosecution on the merits in the event that no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicants elect with traverse Species 2: single-walled nanotubes for prosecution on the merits.

The Examiner states that "[t]he species are independent or distinct because each material has a distinct chemical structure." Applicants respectfully disagree.

With respect to at least Species 1: multi-walled nanotubes and Species 2: single-walled nanotubes, each is comprised of  $sp^2$  carbon. Also, each is tubular in shape, and multi-walled nanotubes are comprised of concentric tubes of single-walled nanotubes. Moreover, single-walled nanotubes and multi-walled nanotubes can be used together in the same battery. For example, claim 11 is directed to a battery wherein the cathode is comprised of single-walled nanotubes and the anode is comprised of multi-walled nanotubes.

Therefore, Applicants request reconsideration and withdrawal of the species election requirement. In the alternative, Applicants request that at least Species 1 and Species 2 be prosecuted together.

Claims 1-23 are pending. Claim 2 has been amended to include only multi-walled nanotubes, single-walled nanotubes and combinations thereof. Claim 18 has been withdrawn without prejudice.

Sept. 29, 2006

Respectfully submitted,



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